

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16399 of 2021

Arising Out of PS. Case No.-440 Year-2020 Thana- SAHPUR District- Patna

Kishan Kumar, Son of Late Raju Saw, Resident of Village- Shahpur, P.S.-
Shahpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Anand, Advocate

For the Opposite Party/s : Mr.Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 05-10-2021 Heard learned Counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Special
Case No.6700 of 2020 arising out of Shahpur P.S. Case No.440
of 2020 registered for the offence punishable under Sections
30(a) and 41(1) of the Bihar Excise (Amendment) Act, 2016.

495 litres illicit liquor has been recovered from a
Khatal from where the instant petitioner along with three
persons has allegedly fled away but later, on chase were
apprehended.

Counsel for the petitioner submits that recovery is
from an open place accessible to one and all. Petitioner cannot
be held liable for the recovery. He is in custody since
24.11.2020 and has no criminal antecedents.



Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna, in connection with Special Case No.6700 of 2020 arising out of Shahpur P.S. Case No.440 of 2020, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will



be liable to be cancelled.

This Court would expect that the petitioner’s counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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